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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,836	06/01/2004	Bruce Albrecht	ITW7510.096	3835
33647	7590	12/30/2005	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW) 14135 NORTH CEDARBURG ROAD MEQUON, WI 53097				PONOMARENKO, NICHOLAS
ART UNIT		PAPER NUMBER		
				2834

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/709,836	ALBRECHT, BRUCE <i>PN</i>
Examiner	Art Unit	
Nicholas Ponomarenko	2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 June 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-48 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5)  Claim(s) \_\_\_\_\_ is/are allowed.  
6)  Claim(s) 1-48 is/are rejected.  
7)  Claim(s) \_\_\_\_\_ is/are objected to.  
8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 01 June 2004 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3 pages.  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "sensor" (claims 31 and 32) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show "voltage" and "power" detection circuits as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
3. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

The drawings appear technically not sound. The circuits of Figure 2 and 3 are not functional. The drawings do not provide for the functionality as it is described in the specification. For example, it is not clear, how "automatical" function is achieved, how "sensing" of voltage and/or power is done, how switching between AC and DC outputs is performed, and many other claimed limitations are not supported by the drawings.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended

replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities:

The words in [0025] "switch 48 serve [sic] as a controller, designated generally by reference number 56, which operate [sic] to switch a switchable electrical configuration of the power source 34" are not understood.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification or shown on the drawings in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For example, the drawings and the specification are silent or have insufficient support for the following claimed limitations:

“automatical” switching (see claims 1, 5, 8, 10, 15, 18, 22, 30, 48),

“power indication” (claim 2),

“detecting output power” (claim 5),

“sensor” of claim 31 and 32 is not in spec. or drawing,

“detecting a break” (claim 33),

“detecting a voltage drop” (claim 35),

“monitoring a power requirement” (claim 48),

etc.,

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5, 8, 10, 15, 18, 22, 30 and 48 recite the limitation "automatical". There is insufficient antecedent basis for this limitation in the claims.

Claim 3 has a grammatical error.

Claim 4 recites the limitation "energy depletion of the storage device". There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites limitation "detecting output power". There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation "alternately". There is insufficient antecedent basis for this limitation in the claim.

Claims 31 and 32 recites the limitation "sensor". There is insufficient antecedent basis for this limitation in the claims.

In claim 39, words "generator ... configured to power and aircraft over given duration" are indefinite.

Claim 45 recites the limitation "alternately". There is insufficient antecedent basis for this limitation in the claim.

Claims 2, 6, 7, 9, 11-14, 16, 17, 19-21, 23, 24, 26-29, 32-38, 40-44 and 46-47 are indefinite because they depend on the rejected claim and do not correct the noted problem.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 1-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukaya (US 2004/0008009) and further in view of Carlin et al. (US 5,253,891) and Scott et al. (US 5,625,276).

As far as they can be understood, applicant's claims reads on Fukaya, who teaches a portable power supply device with engine driven generator, a battery as a power storage source, a rectifier and inverter, and controls, which provide one or both of power sources to the load and have automatical functions for battery charging, switching, sensing and monitoring, essentially as in applicant's claims. But Fukaya fails to apply his apparatus for aircraft powering and to provide DC output on demand.

Carlin et al. shows aircraft power supply housing exactly as applicant's, and Scott et al. teaches a portable power supply unit, which can generate a plurality of regulated DC and AC voltages (see column 2, lines 61-63).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to design a portable power source as taught by Fukaya and to design DC and AC voltage outputs as taught by Scott et al. and to install this equipment into aircraft power supply housing as taught by Carlin et al. in order to have a portable

power supply applicable for use as an aircraft powering system, especially since applicant failed to show that his invention has any unusual features or function and it appears that modification of the prior art is within capabilities of an ordinary person in the art.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant(s) disclosure.
12. When the claims are amended, applicant(s) should state in detail where in the original disclosure or in the drawings the amended features find support. **No new matter may be introduced.**
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Ponomarenko whose telephone number is (571) 272- 2033, Fax: (571) 273-2033, or to his SPE Darren Schuberg – (571) 272-2044.
14. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2800 Customer Service Phone: (571) 272-2815

np  
December 23, 2005



**Nicholas Ponomarenko  
Primary Examiner  
Technology Center 2800**